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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,353	03/02/2000	Chad Byron Moore	MRE-9	5133
20808	7590	09/21/2004	EXAMINER	
BROWN & MICHAELS, PC 400 M & T BANK BUILDING 118 NORTH TIOGA ST ITHACA, NY 14850			DOAN, JENNIFER	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/517,353	MOORE, CHAD BYRON	
	Examiner	Art Unit	
	Jennifer Doan	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-35, 38 and 39 is/are allowed.
- 6) ☒ Claim(s) 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's communication, filed on July 26, 2004, has been carefully studied by the Examiner. The arguments advanced therein are persuasive with respect to claims 1-7, 10, 12-17, 26, 27 and 29-33 and the rejections of those claims based upon prior art made of record in the previous Office Action are withdrawn. Therefore, claims 1-35, 38 and 39 are now allowable. In view of further search, however, and the consequent discovery of a relevant prior art document, a new rejection is set forth below. This action is **not** made final.

Specification

1. Applicant cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Rockwell, III (U.S. Patent 5,009,483).

With respect to claim 36, Rockwell, III (figure 11) discloses a method of creating a fiber for use in an electronic display (abstract, lines 1-2) comprising the steps of forming a preform (as shown in figure 11) including at least two distinct materials to be used in the fiber (column 15, lines 50-53 and column 16, lines 2-5) and drawing the preform to form the fiber (abstract, lines 19-22 and column 17, lines 20-27).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell, III (as cited above) in view of Garito et al. (U.S. Patent 5,729,645).

With respect to claim 37, as discussed above, Rockwell, III substantially discloses a method of creating a fiber as claimed; except, Rockwell, III does not explicitly disclose the preform is formed by co-extruding the distinct materials into a preform.

However, the preform being formed by co-extruding the distinct materials into a preform is well known in the art as taught by Garito et al.. Garito et al. (column 11, line 60-column 12, line 4) teach that forming a fiber preform by co-extrusion the distinct

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materials into a preform is a convenient process and easy to apply. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the step of forming a fiber preform of Rockwell, III by co-extrusion the distinct materials (accordance with the teaching of Garito et al.). Doing so would be desirable to facilitate the manufacture of the optical fiber.

Allowable Subject Matter

6. Claims 1-35 and 38-39 are allowed.

The prior art fails to disclose or reasonably suggest a fiber for use in an electronic display, wherein the fiber comprises the electrode as recited in claims 1 and 26; wherein one absorbing region within the fiber or on the fiber surface which creates an aperture as recited in claim 20.

The prior art also fails to disclose or reasonably suggest subdividing a voltage that creates the appearance of depth in at least one pixel location between more than one of the electrodes in the at least one pixel location such that the appearance of depth is perceived by a viewer to be between either appearance of depth created by applying the voltage to any one of the electrodes as recited in claim 38.

Claims 2-19, 21-25, 27-35 and 39 are dependent on the allowable claims 1, 20, 26 and 38. Therefore, claims 2-19, 21-25, 27-35 and 39 are also allowed.

Response to Arguments

7. On page 12 of the applicant's response in the remarks, it is argued that there was no evidence to support the obviousness rejection. The examiner fully agrees with the applicant's argument and submits newly cited references, which fully read on claim 36 and support the obviousness rejection of claims 36 and 37. Thus, a new ground(s) of rejection with respect to claims 36 and 37 is applied above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00 am to 3:30 pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script that reads "Jennifer Doan".

Jennifer Doan
Patent Examiner
September 9, 2004